

S.B.CRIMINAL MISC. BAIL APPLICATION NO.2391/2006

Date : 07.07.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Mahendra Trivedi for the applicants.

Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of the learned counsel for the applicants is that a false case under Section 302 IPC has been lodged against the accused-applicants and charge-sheet has been filed under Section 299 IPC. He further submits that in previous trial, the accused applicants have been acquitted, copies of the statements recorded by the learned trial court have been filed and whatsoever allegations are alleged against those persons who were tried are made

against the present accused applicants. He further submits that co-accused have already been enlarged on bail by this Court vide order dated 12.05.2006 in S.B. Criminal Misc. Bail

Application No.1983/2006, therefore, the present accused applicants may also be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and perused the material available on record. I am of the opinion that the accused applicants have made out a case for grant of bail.

Taking into consideration overall facts and circumstances of the present case, I think it just and proper to grant anticipatory bail to the applicants. Accordingly, it is directed that in the event of arrest of applicants (1) Khaniya son of Kamji and (2) Amara son of Khaniya by I.O./S.H.O.in FIR No.65/2005 P.S. Lohariya, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.20,000/- alongwith two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of Investigating

Officer on the following conditions:-

- (i) That they shall make themselves available for interrogation by a police officer as and when required;
- (ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- (iii) That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.